IN THE HIGH COURT OF CHHATTISHGAH AT BILASPUR

Review petition ~~M.C.C.~~ /9 /2006

Petitioner : Horilal Sahu, Aged about 45 years S/o Shri k. Sahu R/o Near Ramayan Chowk, Village-Chantidih, District – Bilaspur (C.G.)

Versus

Respondents :1. State of Madhya Pradesh Through the Secretary, Forest Department, Government Vallabh Bhawan Bhopal (M.P.)

2. Chief Conservator of Forest, Madhya Pradesh Satpura Bhawan, Bhopal, (M.P.)

3. Conservator of forest, Bilaspur (C.G.)

4. Divisional Forest Officer, Bilaspur, District : Bilaspur, C.G.

P.R. No. 2776/06 Shri Mala Dubey
Presented by Shri
dated 21/9/06

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APPLICATION FOR REVIEW OF ORDER DATED 23.08.2006 PASSED BY HON'BLE JUSTICE S.K. AGNIHOTRI IN W.P. (S) NO. 1120/2005

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HIGH COURT OF CHHATTISGARH AT BILASPUR

REVIEW PETITION NO. 19 OF 2006

Petitioner	:	Horilal Sahu
	versus	
Respondents	:	State of Madhya Pradesh (Now Chhattisgarh) and others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present: Shri Amrito Das, Advocate for the Petitioner.
None appears for the respondents.

ORDER
(Passed on 31st of October, 2006)

1. The present applicant seeks a review of the order dated 23.8.2006 passed in Writ Petition (S.) No. 1120 of 2005 not on the ground that this Court has not considered the fact that the petitioner was carrying his ailing son to the hospital in the intervening night i.e. 7.7.1998 and 8.7.1998, when the accident took place and damage was caused to the Government Vehicle, driven by the petitioner. The petitioner has no intention to cause damage to the Government property. Learned counsel further submits that the punishment imposed on the petitioner is dis-proportionate to the damage caused to the Government property.

2. I have heard learned counsel for the petitioner, who remain absent during the course of hearing of Writ Petition (S.) No.1120 of 2005 on 23.8.2006. I have further perused the review application and documents appended to the present application as well as papers of Writ Petition (S.) No.1120 of 2005. The question of award of dis-

proportionate punishment has been considered in several decisions cited in the main petition. This Court had perused carefully the said judicial pronouncements while considering the case of the petitioner. This is not a case where it can be held that the punishment awarded is dis-proportionate and it shocks the judicial conscience or is shockingly dis-proportionate.

3. It is well settled that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure and even in exercise of review jurisdiction by the High Court under Article 226 of the Constitution of India. The applicant has not produced any new ground for review except the same grounds which have been considered and decided in the writ petition.

4. The Hon'ble Supreme Court in the cases of *V. Ramana vs A.P.SRTC and others*[1] after considering all decision on the question of imposition of appropriate punishment observed in para 11 as under:-

> "11. The common thread running through in all these decisions is that the court should not interfere with the administrator's decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards. In view of what has been stated in Wednesbury case the court would not go into the correctness of the choice made by the administrator open to him and the court should not substitute its decision for that of the administrator. The scope of judicial review is limited to the deficiency in decision-making process and not the decision."

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5. Principle of law is well settled by several judicial pronouncements of the Hon'ble Supreme Court in the cases of *Smt. Meera Bhanja vs. Smt. Nirmala Kumari Choudhary*[2], *Lily Thomas, etc. vs. Union of India and others*[3], *Ajit Kumar Rath vs. State of Orissa and others*[4], *Government of T.N. and others vs. M. Ananchu Asari and others*[5] and *Kerla State Electricity Board vs. Hitech Electrothermics & Hydropower Ltd. and others*[6].

6. As a result and for the foregoing reasons, this review application is dismissed on the ground that this review application is not in accordance with the requirements for review of an order as per law and the present review applicant seeks rehearing of the case in the guise of review application, which stands concluded by order dated 23.8.2006 passed by this Court in Writ Petition (S.) No.1120 of 2006. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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1 (2005) 7 SCC 338
2 AIR 1995 SC 455
3 AIR 2000 SC 1650
4 AIR 2000 SC 85
5 (2005) 2 SCC 332
6 (2005) 6 SCC 651

Subhash